

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appl. No.: 10/701,308

Applicant: Krieter et al

Filed: November 4, 2003

TC/A.U.: 3621

Examiner: Charles Agwumezie

Docket No.: 1300US2

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

**APPELLANT'S BRIEF UNDER 37 CFR 1.192 A**

**ATTENTION: Board of Patent Appeals and Interferences**

**I REAL PARTY IN INTEREST**

The real part in interest in this case is Graco Minnesota Inc., assignee of the above-identified application, the assignment being recorded on February 17, 2004 at Reel 014986, Frame 0966.

**II RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

### **III STATUS OF CLAIMS**

1. Claims 1-3 are rejected and the rejection of those claims was appealed in the notice of November 4, 2007.

### **IV STATUS OF AMENDMENTS**

The amendment filed March 30, 2007 has been entered.

### **V SUMMARY OF THE CLAIMED SUBJECT MATTER**

The instant invention is generally designated 10. The system is designed to provide PC based comprehensive fluid management for automotive lubrication that is easy to install, operate and troubleshoot. The system utilizes facility's current business PC D and is comprised of PC software, wireless PC transceiver B, linked wireless repeaters F (connected by cable G), standard wireless repeater E, wireless electronic meter A, wireless tank level monitor C and pulse charger H all in quantities as required for a given service facility. (page 5, lines 9-15)

During the initialization process for each system module (meter A or tank level monitor C), the PC software wirelessly assigns a unique encrypted address. This module then knows its assigned address and receives and acts upon transmissions which include this address. Also all wireless transmissions from this module to the PC D contain the address for proper signal source identification. (page 6, line 20 – page 7, line 2)

### **VI GROUNDS OF REJECTION TO BE REVIEWED**

1. Whether claims 1-3 are unpatentable under 35 USC 103(a) over Rogers et al Publication 2002/0049549 A1 in view of Johnson Jr. US Pat. no. 6,078,888.

## **VII ARGUMENTS**

### **REJECTION UNDER 35 USC 103(a)**

Claim 1 forms a single claim group. Claims 2 and 3 contain additional limitations which should be considered separately. Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rogers et al Publication 2002/0049549 A1 in view of Johnson Jr. US Pat. no. 6,078,888.

It is respectfully submitted that claims 1-3 patentably distinguish over the rejection of record. Rogers does show a networked fluid dispensing system but that system is disclosed and discussed as though it were already set up and configured. While the pieces are mentioned, there is no discussion (notwithstanding the citations in the Office Action) the claimed limitation of preparing for registration. Rogers also makes no mention of an address, much less the claimed limitations of an encrypted address or transmission thereof in any of the sections cited in the Office Action or anywhere else that the undersigned could see either visually or by computer search of the document.

While Johnson, Jr. may have unique addresses, the disclosure therein typifies prior art devices where each remote device or unit has a hard-coded identifier which is applied during manufacture. The norm for network devices such as Ethernet and WiFi cards is for each such device to have an address (a MAC address) assigned to the device at the factory and well prior to system connection and configuration. Johnson Jr. has a tag identifier on the card and there is no indication that Johnson Jr.'s POS device assigns that identifier. In fact, Johnson transmits the tag identifier from the tag to the POS device (column 3, lines 10-17). Applicants' claimed invention however assigns and communicates a unique identifier from the central control authorization point into each

remote device. Again, this limitation is nowhere shown nor suggested in the references of record.

There is no suggestion or motivation as to how or why one would apply Johnson Jr. to Rogers and even if one did, one would merely have a prior art device with hard-coded addresses, that specific disclosure apparently being absent from the references of record. The mere fact that both Rogers and Johnson deal with fluid dispensing devices does not provide the motivation to combine features and limitations in a random fashion. There has to be some reason to do so other than Applicants' disclosure.

Claim 1 calls for the central device to be registering a remote location device on the central control device and "assigning and transmitting an encrypted address unique to each said remote location device from said central control authorization point and storing said unique address on said remote location device." These limitations are nowhere shown nor suggested in the references of record.

Thus, it is respectfully submitted that claim 1 patentably distinguishes over the rejection of record.

Accordingly, it is also respectfully submitted that the rejection under 35 USC 103(a) of claims 2 and 3 is in error for the reasons set forth above and should be reversed.

## VIII APPENDIX OF CLAIMS

1. A method for registering and communicating between a central control authorization point and a plurality of remote location devices comprising the steps of:
  - providing a said remote location device;
  - preparing said remote location device for registration;
  - registering said remote location device on said central control authorization point and assigning and transmitting an encrypted address unique to each said remote location device from said central control authorization point and storing said unique address on said remote location device; and
  - utilizing said unique encrypted address for communication between said central control authorization point and said remote location device.
2. The method of claim 1 wherein said remote location device comprises a fluid meter.
3. The method of claim 1 wherein said remote location device comprises a tank level monitor.

## IX EVIDENCE APPENDIX

NONE

X RELATED PROCEEDINGS APPENDIX

NONE

Respectfully submitted,



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